

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-15-449
-vs-)	
)	DECISION
MARLO ALBIA TONASKET,)	
)	
Defendant.)	

On July 21, 2016, the District Court sentenced the Defendant to a commitment to the Department of Corrections for a period of ten (10) years with five (5) years suspended, for the offense of Criminal Endangerment, a Felony, as specified in MCA 45-5-207. The Court granted credit for 226 days. The Court recommended the Defendant be screened for NEXUS followed by pre-release if deemed appropriate by the Department of Corrections and that the Defendant not be considered eligible for a conditional release until he has completed NEXUS and pre-release and is deemed safe to be released back into the community.

On February 2, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Great Falls Regional Prison and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2nd day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



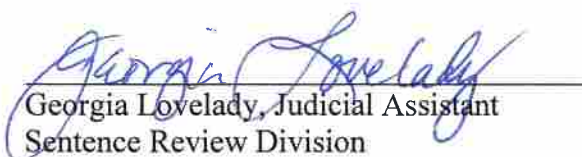
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day
of March, 2017, to:

Clerk of District Court (Original)
Marlo Albia Tonasket #3019007, Defendant (2)
Hon. Deborah Kim Christopher
Brent Getty, Defense Counsel
Benjamin Anciaux, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division